

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

AUSTIN SUMAN,

Defendant.

24 MJ 3923

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 875(c),
844(e), and 2261A(2)

COUNTY OF OFFENSE:
ORANGE

SOUTHERN DISTRICT OF NEW YORK, ss.:

PAO MEI FISHER, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Threatening Interstate Communications)

1. On or about November 8, 2024, in the Southern District of New York and elsewhere, AUSTIN SUMAN, the defendant, knowingly and intentionally transmitted in interstate and foreign commerce a communication containing a threat to injure the person of another, to wit, SUMAN sent several Facebook messages and emails to a news reporter ("Victim-1") in which he threatened to injure or kill Victim-1 and her family.

(Title 18, United States Code, Section 875(c))

COUNT TWO

(Willfully Making a Threat Involving an Explosive)

2. On or about November 8, 2024, in the Southern District of New York and elsewhere, AUSTIN SUMAN, the defendant, through the use of the telephone or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully made a threat to kill, injure, or intimidate an individual or unlawfully to damage or destroy a building, vehicle, or other real or personal property by means of fire or an explosive, to wit, SUMAN sent a Facebook message over the Internet in which he threatened to blow up Victim-1's residence.

(Title 18, United States Code, Section 844(e))

COUNT THREE

(Interstate Stalking)

3. On or about November 8, 2024, in the Southern District of New York and elsewhere, AUSTIN SUMAN, the defendant, with the intent to kill, injure, harass, intimidate, and place under surveillance with intent to kill, injure, harass, and intimidate another person, used the

mail, any interactive computer service and electronic communication service and electronic communication system of interstate commerce, and any other facility of interstate and foreign commerce to engage in a course of conduct that placed that person in reasonable fear of the death of and serious bodily injury to that person and caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to that person, to wit, SUMAN sent several Facebook messages and emails over the Internet to Victim-1, using various hate-based remarks about race, ethnicity, national origin, and gender, in which he threatened to injure or kill Victim-1 and her family, which placed Victim-1 in reasonable fear of death and serious bodily injury, and which caused, and would be reasonably expected to cause, substantial emotional distress.

(Title 18, United States Code, Section 2261A(2).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent with the FBI and member of the Hudson Valley Safe Streets Task Force. I have been a Special Agent with the FBI since January 2017. I have participated in numerous investigations involving interstate crimes through means of interstate commerce, including telephone, mail, and the Internet. I have been personally involved in the investigation of this matter.

5. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part.

6. And as set forth in greater detail below, I have learned that, AUSTIN SUMAN, the defendant, made a series of violent and hate-based threats to injure or kill, and blow up the residence of, Victim-1, who is a news reporter based in Orange County, New York, in the Southern District of New York.¹

7. On or about November 8, 2024, AUSTIN SUMAN, the defendant, sent Victim-1 the following messages, among others, over Facebook Messenger to Victim-1's professional, news reporter-affiliated Facebook account. Based on my review of those messages:

a. SUMAN, unsolicited, sent Victim-1 a series of threatening messages: "you are spick." He then wrote: "you dumb fuckin cunt," "female journalist what a joke," "dumb Mexican I will end you," "you better stay in new york," "I will end you and your family." He then said "Hahha ill see you soon . . . Dumb fuckin spick."

b. SUMAN used a series of words and phrases reflecting a hate-based animus against Hispanic people, particularly Mexicans. For example, SUMAN repeatedly referred to Victim-1 as a "spick" and called her a "dumb Mexican." Based on my training and experience,

¹ Direct quotes attributed to AUSTIN SUMAN, the defendant, are included in this Complaint as written by him and, therefore, may include typographical or grammatical errors.

“spick” is an ethnic slur that is intended to refer to people of Hispanic, Latin-American, or Spanish descent. SUMAN added that Victim-1 was a “typical spick,” noting, “We are going to deport your family all of them . . . [u]seless life. Dumb bitch. I would drag you by your legs naked with my horse.”

c. SUMAN then explained that his threats were retaliation for a news article that Victim-1 wrote about him “years ago.” Based on my review of posts written by Victim-1, in or around February 2019, Victim-1 reported that a man named “Austin Suman,” and having a photograph similar to SUMAN’s photograph in state and law enforcement databases, was arrested for allegedly threatening his roommate with a firearm at their residence. SUMAN told Victim-1: “I have more guns than ever.” “I’m full auto now bitch,” he said. Based on my training and experience, I believe that the phrase “full auto” refers to someone with fully automatic firearms, which are firearms that fire continuously so long as the trigger is held down, allowing for a much faster rate of fire and potentially causing more damage in a shorter period than non-automatic firearms. Such firearms are particularly lethal. SUMAN then explained that, although his guns had previously been taken, they were “all returned” and “no charges [were] committed.” “Guess what I have now? More than you or your family might know. Fucking spicks,” he said.

d. SUMAN also threatened to blow up Victim-1’s residence: “I can blow your house off it’s foundation tread lightly.”

8. Around the same time that he sent threatening messages over Facebook, on or about November 8, 2024, AUSTIN SUMAN, the defendant, also sent several emails from his Gmail account to Victim-1’s professional, news reporter-affiliated email address. SUMAN wrote, “You are a dumb spick, we coming for you.” In another email, he added, “You are a joke of a journalist, dumb fuckin Spanish journalist”

9. Based on my review of Department of Motor Vehicle records, postal records, and law enforcement reports and records, AUSTIN SUMAN, the defendant, is associated with a residence in Myrtle Beach, South Carolina (“Suman Address”). For the following reasons, I respectfully submit that there is probable cause to believe that SUMAN is the person who sent the aforementioned threats:

a. Based on my review of documents obtained from Meta Platforms, Inc. (the parent company of Facebook), the subscriber of the Facebook account that sent the threats is “Austin Suman,” residing at the Suman Address. Subscriber information for the Facebook account lists the same Gmail account as the one that sent Victim-1 threatening emails. Additionally, the banner picture for the Facebook account shows a red or burgundy-colored Toyota with a white roof in front of a residence, each of which appears to be the same vehicle and residence observed by law enforcement on or about November 9, 2024, at the Suman Address. The vehicle observed by law enforcement had South Carolina license plates registered to SUMAN at the Suman Address.

b. Based on my review of documents obtained from Google LLC (the company that provides Gmail account services), the subscriber of the Gmail account that sent the threats is “Austin Suman.” Subscriber information for the Gmail account reflects the same verified phone number as the Facebook account.

c. Based on my review of the aforementioned documents obtained from Facebook and Google, the accounts that sent the above communications were accessed on or around November 8, 2024, from the same Internet protocol (“IP”) address: 64.138.244.235. This IP address is connected to a device in the vicinity of the Suman Address. Based on my training and experience, IP address location information will often not be able to identify the exact location of the device associated with a given IP address.

d. Based on a law enforcement review of postal records for the Suman Address, several packages have been shipped to that address bearing recipient name “Austin Suman.” One of those packages was delivered on or around October 17, 2024. USPS records reflect that a tracking inquiry for that package was made from the same IP address as indicated above, among approximately three other IP addresses.


e. On or around November 9, 2024, law enforcement personnel conducted surveillance at the Suman Address and, in addition to observing the above-mentioned vehicle registered to SUMAN, law enforcement also observed a White male matching the description and photos of SUMAN, as depicted in DMV records and social media accounts, including the above Facebook account.

10. After Victim-1 received these threats, I spoke with her several times. Based on my conversations with her and my review of reports and records relating to statements she made to other law enforcement officers, Victim-1 indicated to me that these threats caused her and her family substantial emotional distress. Victim-1 said she felt nervous, alarmed, and feared for her and her family’s health and safety. As a result, in the morning of November 10, 2024, shortly after the threats were made, Victim-1 went to local law enforcement to try to obtain an order of protection to protect herself and her family.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of AUSTIN SUMAN, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

/s/ Pao Mei Fisher by JCM with permission
PAO MEI FISHER
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this
Affidavit by reliable electronic means, *i.e.*, by
FaceTime, pursuant to Federal Rules of
Criminal Procedure 41(d)(3) and 4.1, this 11th
day of November, 2024


THE HONORABLE JUDITH C. McCARTHY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK